



COMMUNITY DEVELOPMENT COMMISSION  
**APPROVED** MINUTES

SPECIAL CALLED MEETING  
Tuesday, August 20, 2013

The Community Development Commission convened in a special called meeting on Tuesday, August 20, 2013 at the Street-Jones Building, 1000 East 11<sup>th</sup> Street, Austin, Texas.

Chair Rivera called the Board Meeting to order at approximately 6:35 p.m.

**Board Members in Attendance:**

Gilbert Rivera, Chair  
Karen Paup, Vice Chair  
Cory Coles  
Karen Langley  
Liz Mueller  
Elridge Nelson  
Edward Reyes  
Dorcas Seals  
Cassandra Taylor

**Staff in Attendance:**

Maria Allen, HHSD  
Gina Copic  
Rebecca Giello  
Kelly Nichols  
Kathleen Saenz  
Alex Zamora  
Matt Christianson, Code  
Carl Smart, Code  
Jerry Rusthoven, PDR

**1. APPROVAL OF MINUTES – July 9, 2013 regular meeting minutes.**

The motion to approve the minutes of the July 9, 2013 regular meeting minutes was made by Commissioner Langley, seconded by Commissioner Seals and approved on a 9-0-0 vote.

**2. CITIZEN COMMUNICATION: GENERAL**

(The first 10 speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns.)

- Stuart Hersh

**3. CSBG UPDATE**

**a. Presentation and discussion on the proposed Fiscal Year 2013 Community Services Block Grant (CSBG) budget.**

Maria Allen, HHSD, gave the presentation.

**b. Conduct a public hearing to receive comments on the proposed Fiscal Year 2013 CSBG Budget, as required by 1) US Department of Health and Human Services, and 2) the Texas Administrative Code, 10 TAC Chapter 5, Subchapter B, RULE §5.210 (d).**

No speakers.

**c. Approval of the proposed Fiscal Year 2013 CSBG budget.**

The motion to approve the proposed Fiscal Year 2013 CSBG budget was made by Commissioner Langley, seconded by Commissioner Nelson and approved on a 9-0-0 vote.

**4. Presentation and possible action on NHCD's Proposed FY 2014 Budget.**

Speakers:

- Stuart Hersh
- Charles Cloutman

Rebecca Giello and Alex Zamora gave the presentation.

The motion to recommend approval of the NHCD proposed Fiscal Year 2014 budget with the following considerations was made by Vice Chair Paup, seconded by Commissioner Langley and approved on an 8-0-0 vote.

- Increase funding for the Tenants' Rights Assistance Program to support the increased service demand in this area;
- Increase funding for home repair activities to include the Architectural Barrier Removal Program and the GO Repair Program;
- Support the proposed FY 14 budget to allocate funding to outreach and education activities;
- Explore potential use of fee penalties, requiring all current rental registration license requirements for hotels, motels, rooming houses, boarding homes, bed-and-breakfasts, and short-term rentals be paid annually. Require all 2012, 2013, and 2014 payments be made by March 31, 2014, or face a possible Building and Standards Commission Order with the potential penalty of \$1,000 per day,

**5. UPDATE FROM THE HOUSING COMMITTEE AND POSSIBLE ACTION.**

The Housing Committee did not meet.

**6. NEW BUSINESS**

**a. Presentation, discussion, and possible action on possible amendments to the Planned Unit Development (PUD) section of the City Code regarding affordable housing requirements and fee in lieu.**

**Speakers:**

- **Stuart Hersh**
- **Mandy De Mayo**

The motion to table the item temporarily was made by Commissioner Langley, seconded by Commissioner Mueller and approved on a 9-0-0 vote.

The motion to supports staff recommendations with the following additional comments was made by Commissioner Mueller, seconded by Commissioner Langley and approved on an 8-0-0 vote.

- To promote affordable housing opportunities for lower income people throughout Austin, the CDC strongly supports including affordability benefits on site over in-lieu fees. The CDC notes that 10 percent of the 247 housing units being built under VMU are affordable. In contrast to the production on on-site affordable units in programs with in-lieu fees, as shown in the attached chart prepared by NHCD;
- Additional refinements should be made in the administration so that PUD zoning is not used on single buildings;
- PUD zoning should not be used in downtown zoning cases;
- The baseline should be actual base zoning; and,
- The CDC also endorses the points made in the attached letter from Housing Works.

**b. Presentation, discussion, and possible action on the Proposed Ordinance in response to City Council RESOLUTION NO. 20130606-049 concerning the creation of a repeat offenders program applicable after the second health and safety violation;**

Speakers for Items 6b & 6c:

- Ruby Roa
- Stephanie Tran
- Emily Shenovare, Austin Board of Realtors
- Stuart Hersh
- Charles Cloutman
- Rachel Fischer, Austin Apartment Association
- Maria Guzman
- Kathy Stark, Austin Tenants' Council
- Melinda Sherra, N. Austin Neighborhood Association

The motion to extend the meeting past 10:00 p.m. for 30 minutes was made by Commissioner Langley, seconded by Commissioner Taylor and approved on a 6-2-0 vote.

**c. Presentation, discussion, and possible action on the Proposed Ordinance in response to: City Council RESOLUTION NO. 20130606-050 concerning the creation of a year-long registration pilot program for residential rental property in the areas of North Austin Civic Association (NACA), "Restore Rundberg", East Riverside/Oltorf Combined Neighborhood (EROC), Central Austin Neighborhood Advisory Committee (CANPAC) Planning Areas, Hyde Park, Northfield and North Loop.**

Carl Smart and Matt Christianson gave the presentation for items 6b & 6c.

The following motion was made by Commissioner Mueller, seconded by Commissioner Langley and approved on an 8-0-0 vote:

The CDC heard presentations from Code Compliance and a wide range of stakeholders. We feel that neither ordinance sufficiently addresses compliance and enforcement. We urge that slightly more time be taken to focus on the purpose of the ordinances so that the City can more effectively link compliance and enforcement to these ordinances.

**7. FUTURE AGENDA ITEMS/NEXT MEETING DATE**

- **The next CDC meeting will be Tuesday, September 17, 2013.**

**ADJOURNMENT**

**The Chair adjourned the meeting at approximately 11:15 pm without objection.**



**HousingWorks**  
AUSTIN

August 20, 2013

Dear Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Riley, Martinez, Tovo, Morrison and Spelman:

**Board of Directors**

*Andrew Childers*

*ARA Austin*

*Ashton Cumberbatch*

*Seton Family of Hospitals &  
Austin Bridge Builders Alliance*

*Catharine Echols*

*Liveable City*

*Frances Ferguson*

*NeighborWorks America*

*Frank Fernandez*

*Green Doors*

*Capital Metro Board of Directors*

*John Limon*

*Plaza Saltillo Redevelopment*

*Veronica Macon*

*Housing Authority of the City of  
Austin*

*Terry Mitchell*

*MOMARK Homes*

*Austin Chamber of Commerce Board  
of Directors*

*Karen Paup*

*Texas Low Income*

*Housing Information Service*

*Wes Peoples*

*Wes Peoples Homes*

*Homebuilders Association of Greater  
Austin*

*Cookie G. Ruiz, C.F.R.E.*

*Ballet Austin*

*Dave Sullivan*

*UT Center for Energy and  
Environmental Resources &  
City of Austin Bond Oversight  
Committee*

*Kathy Tyler*

*Motivation Education and  
Training, Inc.*

As you contemplate revisions to the PUD ordinance, on behalf of HousingWorks, I would like you to consider the following recommendations that are related to affordability and equity:

1. With rare exception, PUDs should not be used on a single building or a small, single tract of land. PUD is a special designation for larger tracts of land that enables a developer to create a cohesive and superior development.
2. PUDs should not be allowable within the downtown area. With the closing of the CURE "loophole," it is increasingly important to maintain distinction between density bonus programs.
3. Residential developers should be required to develop on-site affordable units in PUDs, rather than paying a fee-in-lieu. On-site affordability is a proven and effective strategy to incorporate affordable housing in high opportunity areas. In fact, there are currently 247 affordable units that have been created or are in the pipeline as the result of Vertical Mixed Use (VMU) zoning regulations.
4. In exceptional cases, a fee-in-lieu payment may be warranted. In these rare cases, the PUD fee in lieu should be no case less than \$6/square foot of bonus area. Smaller fees mitigate the incentive to incorporate affordability, decrease the ability to replicate the affordable units in another development, and are counter to the ordinance's original intention.
5. The rewrite of the PUD Ordinance should clarify that existing zoning shall prevail as baseline for purposes of determining development bonuses. Departmental discretion with respect to baseline zoning is too ambiguous and highly subjective.
6. In order to achieve deeper affordability in geographically diverse areas, on-site affordable housing in PUDs should be limited to 60% MFI income levels. The City of Austin has a responsibility to affirmatively further fair housing. Requiring deeper levels of affordability (e.g. 60% MFI) in all areas (regardless of prevailing levels of affordability in the surrounding area), would help to achieve greater geographic dispersion and facilitate affordability in higher opportunity areas.

Thank you for your consideration of our input. If you have any questions, or require any additional information, please feel free to contact me at (512) 466-0574.

Sincerely,

Frances Ferguson  
President, Board of Directors